REMARKS

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Claims 1-15 and 20-22 were rejected under 35 U.S.C. §103(a) as unpatentable over Compa et al. (US Patent 3,701,202) and Miller (US Patent 5,791,801). Applicants traverse this rejection.

Compa et al. was introduced as teaching a method and apparatus for treating fabrics. This is taught to be accomplished through a device 20 for attachment onto the inside of a dryer drum 34. The drum comprises a reservoir 22 for holding a fabric conditioning liquid, inner flow control members 30, and transfer member 84. The latter is utilized to transfer conditioning liquid onto fabrics being rotated inside the drum 34. Transfer member 84 is a foamed polyurethane. Attention was drawn to Figures 4 and 9.

An essential feature of the present invention is that of a compressed foam. Compression allows the foam to take less time to be charged (fill space up) with treatment composition, and so is effective more quickly after initial installation. See the specification at page 3 (lines 1-3). Furthermore, unlike non-compressed foam, stiffening of the foam through compression reduces staining of the contacted fabrics. Use of non-compressed foam during a tumble drying cycle causes the tumble fabrics to press against the flexible non-compressed foam of the prior art. This results in delivery of a relatively large slug of treatment composition deposited onto the fabrics in an uneven manner. Staining results.

Compa et al. in the description of foam 84 is silent with respect to compression. Neither Figures 4-9 nor the text provides even the slightest hint that the foam 84 is placed under any stress condition. Absent this vital aspect of the present invention, Compa et al. would not render the claims *prima facie* obvious.

Applicants have further amended the claims to more precisely define the invention. Independent claims 1, 20 and 21 have been amended to recite the presence of an inner flow control member 300 upstream from the compressed foam. Support is found at page 4 (lines 27-29) bridging to page 5 (line 2) and page 17 (lines 15-20). These independent claims have also been amended to specify that the compressed foam has as one of its main functions to provide reduced staining of the treated fabrics. Support is found at page 2 (lines 14-16) and page 3 (line 5-9).

New claims 25 and 26 specify that the inner flow control member is a membrane, and more specifically a polypropylene membrane. Support is found at page 4 (lines 27-29) and page 17 (lines 18-19).

Miller was cited for teaching compressed polyurethane foam to control liquid flow from a reservoir at an application point. Note was taken of column 3 (line 64) bridging to column 4 (line 16). Miller was said to teach that compressed foam was ideal for "regulating the rate of fluid release from the applicator".

Applicants concur that the compressed foam pad 25 of Miller regulates the rate of fluid release from the applicator 20. In fact, the purpose of utilizing a compressed foam pad is intended as the primary control of flow rate from the applicator 25. See column 4 (lines 4-5 and 12-13). Miller is quite clear in indicating that the foam pad is the sole mechanism to control release of product. See column 5 (lines 56-60).

By contrast to Miller, the presently claimed invention relies upon an inner flow control member which is upstream from the compressed foam. The upstream member is the component of the presently claimed system which regulates flow of fabric treatment composition from the fabric conditioning device. While the downstream compressed foam may also have a flow control function, albeit quite secondary, the primary function is to evenly distribute treatment composition against the tumble fabrics to avoid staining of those fabrics. Miller teaches the art that a compressed foam regulates flow and strongly suggests that the foam be the only flow control mechanism. By contrast, applicants' compressed foam operates with an upstream inner flow control mechanism as a primary valve. Clearly there is a teaching away by Miller of a dual flow control system, especially one where the foam is not the primary flow regulator. Still further, Miller does not disclose the advantages of a compressed foam in minimizing staining of fabrics compared to that of non-compressed foams.

A combination of Compa et al. in view of Miller would not render the instant invention obvious. The primary reference is deficient with respect to disclosing use of a compressed foam. Miller discloses a compressed foam but utilizes this foam essentially as a primary flow control mechanism. It would also be apparent to those skilled in the art that Miller teaches away from the use of the compressed foam with another flow control mechanism. Most especially, Miller teaches away from a system where compressed foams are other than primary in the regulation of flow. Anyone skilled in the art would therefore not insert a compressed foam in a system such as claimed by applicants or found in Compa et al. which have additional (primary) flow control mechanisms. Neither does Miller suggest that a compressed foam would have advantages in reducing staining on fabrics over uncompressed foams. Based on the foregoing considerations, a combination of the references would not render the instant invention obvious.

Claims 16-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Compa et al. and Miller as applied to claim 1, and further in view of Hirota et al. (US Patent 5,072,526). Applicants traverse this rejection.

Hirota et al. does not remedy the basic deficiencies of Compa et al. and Miller. Neither Hirota et al. nor Compa et al. disclose a foam which has been compressed. Although Miller discloses a compressed foam, he teaches away from a system which has additional flow control mechanisms. Indeed, Miller teaches the use of a compressed foam as the primary flow control if not sole fluid regulating mechanism. By contrast, the present invention utilizes a compressed foam downstream from a primary inner flow control member. Still further, the compressed foam of the present invention functions to reduce fabric staining. Nothing is reported in Miller regarding this function. For all the above reasons the combination of art would not render the instant invention obvious.

In view of the foregoing amendment and comments, applicants request the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,

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